

Justice for Families

TECHNICAL ASSISTANCE BULLETIN

WELCOME

BY LIBERTY ALDRICH

Domestic violence often intersects with a host of varying legal and social issues, some of which may benefit from targeted treatment. Substance abuse is one of those issues. Unaddressed, the use of drugs and alcohol can lead to heightened violence by offenders as well as hinder survivor capacity to make safe choices.

In this issue, you'll read about strategies to help treat and thoughtfully manage substance abuse in domestic violence cases. You'll also learn about how our technical assistance partners and other OVW grantees approach additional challenges by emphasizing community-building and ongoing collaboration.

As always, if you'd like to share feedback or a story about your own community, feel free to reach out to us at dvinfo@courtinnovation.org.

Liberty Aldrich
*Managing Director
Center for Court Innovation*

REDUCING VIOLENCE THROUGH DRUG COURTS

MIAMI'S DYNAMIC APPROACH TO SUBSTANCE ABUSE IN DOMESTIC VIOLENCE CASES

Drug courts first began as a collaborative problem-solving effort to address defendant challenges around substance use. Over time, their popularity has soared as they've gained widespread recognition as a treatment court model that effectively helps individuals avoid further involvement with the criminal justice system. By offering an achievable alternative to prosecution, studies demonstrate that drug courts successfully help to reduce substance use and recidivism.

Miami-Dade County is the location of the nation's first drug court, which was nothing short of revolutionary when launched in 1989. Continuing in its role as a leader, Miami is also one of the first communities in the country to integrate domestic violence cases within their drug court model. Judge Amy Karan and Judge Carroll Kelly and their planning team believed that through careful planning, judicial training, and the implementation of evidence-based best practices, the supervised treatment of underlying substance abuse issues could also reduce recidivism in domestic violence cases.

How Does It Work?

The Domestic Violence Drug Court directly monitors the compliance of domestic violence offenders who are

ordered to complete substance abuse treatment. Its comprehensive approach handles referrals from both criminal and civil cases. Defendants are court ordered to complete the drug court program as a condition of probation or through a pretrial diversion program in misdemeanor domestic violence cases. In pretrial diversion, the defendant agrees to enter the DV Drug Court program; once the defendant successfully completes treatment, their case is dismissed.

Judge Donald Cannava, who presides over the DV Drug Court docket, explains the value of this program in criminal cases, "The vast majority of misdemeanor domestic violence cases involve some sort of substance abuse and/or mental health issue, so if we can interject the court system to assist an individual in achieving stability, then we're looking at a reduction of violence."

Additionally, respondents may be ordered to complete the program in a civil injunction order (i.e. a restraining order) in a civil domestic violence case. Sanctioning is a critical component: if the respondent fails to comply, then they may be held in contempt or even sent to jail.

Continued on page 5

IN THIS ISSUE

Drug Courts and DV	1	Survivors & Substance Abuse	4
Supervised Visitation	2	Spotlight: Tucson	5
Recent Publications	2		

SUPERVISED VISITATION COHORTS: CREATING CHANGE THROUGH PEER-TO-PEER SUPPORT

In October of 2017, Inspire Action for Social Change was awarded funding to provide targeted assistance to Justice For Families Grantees with a visitation program component. One core component of the award is to create cohorts of grantees to help facilitate peer-to-peer support and learning. For many years, grantees have described feeling isolated in their work and a desire to have more opportunities to connect and network with other programs around the country. The creation of peer cohorts is designed to meet that need as well as strive to create a movement of supervised visitation programs working to support both the safety and healing of families who are experiencing domestic violence.

Peer cohorts are organized by geographic region with the hope of creating a network of programs in close proximity to each other that will enable programs to continue to connect with each other in an ongoing way. To launch the cohort work each grantee community was given the opportunity to participate in a cohort based two-day intensive, hands-on Supervised Visitation Immersion Training followed by a full day peer-to-peer cohort meeting. Ongoing cohort connection will continue with regular video conference cohort calls and the use of an online networking platform that allows grantees to communicate with each other, share resources and problem-solve issues that arise.

An additional specialized learning community cohort has also been organized to bring together grantees from around the country who were interested in rolling up their sleeves to take a deep dive into an emerging issue impacting visitation programs. The Learning Community Cohort selected the issue of victim parents as the visiting parent to explore. In their exploration they will talk to survivors, their staff and community partners as well as examine policies that support their work with victims as the visiting parent. At the end of their exploration Inspire Action staff will support the

development of a tool to give guidance and support to the larger field as well as key system partners.

Here is what we have heard from a few grantees about their new cohort experience:

"I was very pleased with the cohort experience. The cohort work will offer the opportunity to network frequently with other providers and assist in shaping this very important work." ~ Kelley Beckett from the Buckeye Ranch in Columbus, OH

"Our learning cohort experience was special. It reminded me that I'm not alone in trying to help families in need through supervised visitations and exchanges. I saw so much passion, empathy, experience, and knowledge in my fellow team members that it gives me great confidence in the work we are doing. I am excited to continue our networking and see what we can all develop together to contribute to our field nationally." ~ Sheila Morris, CVTC in Grand Forks, ND

The vision for the cohort work is to instill the belief that we all have gifts to bring to our work and both grantees and TA providers play the interchangeable role of teacher and learner. The cohorts strive to create trust and connection which helps to facilitate the type of conversations and critical thinking necessary to address the complicated nature of supervised visitation.

Creating a connection between grantees is powerful and important to the field of supervised visitation. Too often visitation programs and staff are isolated and receive little to no support. Inspire Action strives to inject love, compassion, and a strong desire to keep pushing individuals and communities to do better in deconstructing structures that perpetuate violence against women and children as a strategy for both individual and social change.

Inspire Action for Social Change provides support, leadership, and technical assistance to those working to end violence against women and children. Learn more at www.inspireactionforsocialchange.org.

RECENT PUBLICATIONS

Financial Insecurity and Domestic Violence: A Conversation about Child Support

For survivors of domestic violence, financial insecurity is often a huge problem barrier towards gaining independence. In this New Thinking podcast, Michael Hayes from the Office of Child Support Enforcement and Krista Del Gallo from the Texas Council on Family Violence talk with Robert V. Wolf about strategies that states and the federal government are promoting to help survivors safely access child support.

[Listen Here](#)

Uniform Child Custody Jurisdiction and Enforcement Act: Guide for Court Personnel and Judges

Developed by the Legal Resource Center on Violence Against Women, the National Center on State Courts, and the National Council of Juvenile and Family Court Judges, this guide helps to determine whether a court has jurisdiction to enter or modify a child custody order in interstate cases, as well as to understand the responsibility to enforce orders from other jurisdictions.

[Read the Report](#)

Winnebago County Domestic Violence Coordinated Courts: Working with the Community to Address Family Violence

Based in Rockford, Illinois, the Winnebago County Domestic Violence Coordinated Courts sets a national example for responding to domestic violence. Intimate-partner criminal cases are heard in one courtroom, civil cases in another. On-site victim advocacy, open communication among the court and community agencies, and other innovative practices are key to the success of the court.

[Watch Here](#)

MIAMI-DADE'S DOMESTIC VIOLENCE DRUG COURT, CONT.

In criminal cases, the victim approves a plea offer after conferring with prosecution, creating space for victims to be involved in the process and express their concerns. Often victims want the defendant to get help. Not only does the DV Drug Court provide that help and facilitate greater victim safety, the State also ensures zero tolerance for violations and additional violence.

Strategies to Reduce Substance Use

The DV Drug Court emphasizes the significance of compliance through careful monitoring of participants and referral to community-based resources. As part of the program, offenders may be subject to a variety of compliance and treatment strategies. One method involves random drug testing: participants receive one of two colors, and each day they call the court and find out if their color was selected. If so, the participant must report for drug testing that day – which is free at the courthouse but costs fees at other locations. Because the color selection is random, a participant may be subject to a drug test several days in a row, which is crucial to maintaining an ongoing sense of accountability.

Participants are also grouped into two types of substance abuse treatment: regular risk and high risk. These categories are determined by the judge's expertise and recognition of risk factors, as well as input from additional professional evaluations. High risk participants are referred to more intensive outpatient treatment and even residential treatment, if available.

Additionally, the Advocate Program helps manage compliance at the court while assisting offenders by coordinating services. The program receives drug test results, psychiatric and psychological evaluations to check for co-occurring issues, and evaluates attitudes and behavior towards staff and class in treatment programs, as well as willingness to participate.

The philosophy behind the DV Drug Court doesn't center on punishing offenders: Judge Cannava uses rewarded sanctioning to encourage

participants along their journey to reduce substance use. If a participant is clean after ninety days in the program, they are no longer subject to random drug tests, make less frequent appearances in court with less frequent testing, and, perhaps most significantly, join in a formal graduation ceremony.

However, offenders who fail to comply run the risk of sanctions, which include more frequent appearances in court, sitting and observing court all day, writing essays, and community service hours. The ultimate sanction, jail time, is used sparingly but remains an essential possible outcome to emphasize the seriousness of compliance. The DV Drug Court recognizes that an individual with addiction will have a more challenging time achieving accountability than someone who uses drugs occasionally and then behaves violently.

"IF WE CAN INTERJECT THE COURT SYSTEM TO ASSIST AN INDIVIDUAL IN ACHIEVING STABILITY, THEN WE'RE LOOKING AT A REDUCTION OF VIOLENCE."

Challenges and Success Stories

Judge Cannava hears roughly 150 cases every Friday, when the docket is held. One of the most important parts of his job involves developing relationships with the people coming through the court. He explains, "You need accountability on both sides, to the judge and to the defendants and respondents coming to court – there can't be inconsistency in what the judge allows or it sends the wrong message."

However, staff turnover is a reality that many communities face and can make any court project lose momentum. The DV Drug Court prioritizes the presence of a dedicated judge as well

as training additional judges in a similar philosophy to maintain stability in the case of vacations, time away from the bench, and reassignment.

Funding is also an oft-cited challenge for many court-based projects. Miami-Dade has found success so far in finding local funding sources for some components of the court, like the State's Attorney's Office-funded Advocate Program. Judge Cannava is hoping the success of the court will help ensure its sustainability. "We've had entire families in court who want to see the offender succeed. They can participate in monitoring progress and an individual can really have the light come back."

Miami-Dade's DV Drug Court continues to have plans for future improvement. Currently, the court is participating in a data collecting project for criminal cases to track rates of recidivism and find opportunities to expand the program. Another goal involves greater collaboration with the medical field, which prescribes to defendants and respondents in the program. While DV Drug Court was created through a collaborative process between several agencies, including the State Attorney's Office, the Public Defender's Office, the Clerk of Court and the Administrative Office of the Courts, there are always additional stakeholders available to offer insight to foster ongoing success.

Other communities interested in similar treatment courts can check out resources developed by the National Association of Drug Court Professionals, as well as think about who can participate in the process. Most importantly, planners should recognize the impact of substance abuse in domestic violence cases. To effectively treat offenders, drug courts need to look at treatment options through a trauma-informed lens. As Judge Cannava states, "The brain is incredibly resilient, but it needs opportunity to recover."

Miami-Dade County Domestic Violence Court was awarded an OVW Mentor Court grant in 2017. To learn more about Tucson's work, read their fact sheet here.

WORKING WITH SURVIVORS WHO FACE SUBSTANCE ADDICTION

BY LYNEXA OWENS

In the field of intimate partner violence, substance abuse is often viewed and categorized as an issue affecting abusive partners. While the use of drugs and alcohol is a leading risk factor in predicting the future likelihood of further violence and lethality towards victims^[1], it is also a public health matter that affects a wide range of individuals. Many survivors of domestic violence also face challenges surrounding the addiction and harmful consumption of substances. In fact, women who have experienced domestic violence are seventy percent more likely to drink heavily compared to women who have not.^[2] According to the National Resource Center, up to half of all female survivors are dealing with a substance abuse issue, and fifty to ninety-nine percent of substance-abusing women have been victimized.^[3]

The correlation between domestic violence and substance abuse indicates that these two matters should not be addressed separately. The presence of domestic violence undermines a survivor's capacity to decrease their usage of substances. Moreover, survivors who use substances may be at an increased risk for victimization due to inhibited capacity to recognize and respond to warning signs.^[4]

For substance abuse providers, leaving an individual's trauma unaddressed can decrease the likelihood of recovery. For domestic violence agencies, inadequately addressing substance abuse can interfere with their program's effectiveness and

safety planning.^[5] Communities can prioritize family safety by emphasizing the holistic needs of individuals. Justice system stakeholders involved in domestic violence cases should consider the link between trauma and substance abuse while developing policies and programs to keep survivors safe from harm.

Consider implementing the following practices to ensure your court or agency maintains a holistic response:

1. Include a formal screening for substance abuse in the intake process. When screening for substance abuse, ensure the survivor about confidentiality and that any substance abuse issues will not affect their ability to receive services. ^[6] Moreover, consider screening for additional factors that may exacerbate substance dependency.
2. Maintain an onsite referral system. Be aware of treatment options in the community.
3. Develop cross-training between domestic violence advocates and attorneys, substance abuse programs, and other justice system stakeholders. Cross-training will not only increase awareness of the link between both issues but will provide an opportunity for ongoing collaboration and dialogue. Participants will be able to see first-hand which substance abuse treatment programs offer the best psychological and physical safety for survivors. Close collaborations

between service providers can also decrease the risk of traumatization that occurs within a divided social service system.^[7] Through a coordinated community response, the journey to recovery may feel less daunting for survivors.^[8]

4. Support domestic violence survivors struggling with substance abuse. Relapse can be incredibly disempowering for survivors. Stakeholders can address and minimize self-blame associated with use and relapse, as well as foster a sense of support through mentoring programs that connect survivors who have maintained sobriety with those in earlier/more vulnerable states.
5. Include plans for continued sobriety in a safety plan. Develop resources and link to agencies that help survivors understand the role substance abuse plays in the abusive relationship, and how their abuser may try to undermine their sobriety once the survivor exits the program.

The most effective approach to treatment is one that addresses the complex needs of survivors. An integrated approach to intimate partner violence and substance abuse—one that maintains a constant awareness of how they work in tandem and reinforce each other—is a promising method to facilitate safety and sobriety.

Lynexa Owens served as a legal intern for the Center for Court Innovation and is currently a student at Boston University School of Law.

Footnotes

[1] Capaldi DM, Knoble NB, Shortt JW, Kim HK. A systematic review of risk factors for intimate partner violence. *Partner Abuse* 2012;3(2):231–80.

[2] Adverse Health Conditions and Health Risk Behaviors Associated with Intimate Partner Violence, Center for Disease Control, available at: <http://www.cdc.gov/mmwr/PDF/wk/mm5705.pdf>.

[3] What Substance Abuse and Domestic Violence Statistics Tell Us, Rehab Center, available at: <https://www.rehabcenter.net/domestic-violence-and-substance-abuse/>.

[4] Crowell & Burgess, 1996; Krug et al., 2002; WHO, 2002

[5] Understanding the Link Between Substance Abuse and Domestic Violence, Steps to Recovery, available at: <https://www.stepstorecovery.com/alcohol-drug-education/understanding-the-link-between-substance-abuse-and-domestic-violence/>.

[6] Best Practices: Addressing Substance Abuse in Domestic Violence Agencies, Violence Against Women Network, available at: <https://vawnet.org/sites/default/>

<files/assets/files/2016-09/IllinoisManual2.pdf>.

[7] Real Tools: Responding to Multi-Abuse Trauma at 26, available at: <http://www.nationalcenterdytraumamh.org/wp-content/uploads/2012/09/RealTools-RespondingtoMultiAbuseTrauma-BlandandEdmund.pdf>.

[8] The SEEDs Program: Women Survivors at the Intersection of Intimate Partner Violence, Addiction, and Recovery, University of New Hampshire, available at: <http://unh.edu/jvrl/SEEDs%20Report.pdf>

SPOTLIGHT: TUCSON CITY COURT

Tucson City Court's Domestic Violence Mentor Court Continues Outreach

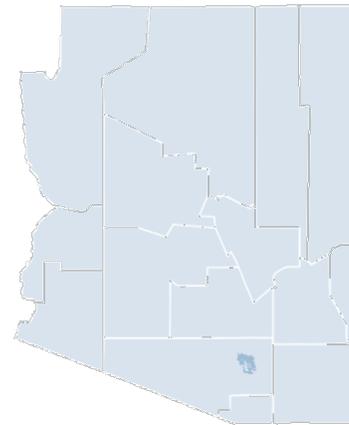
Over the past several years, Tucson City Court's Domestic Violence Court has worked with partners Emerge! Center Against Domestic Abuse and Community Outreach Program for the Deaf (COPD) to provide education and outreach to the Deaf community in the area of domestic violence. Emerge! has improved their access and services for Deaf victims, COPD has improved their staff's education in the area of domestic violence, and the Court has provided trainings, has collaborated with both partners and has made the courthouse more accessible.

February 2, 2018, the Court worked with Emerge!, COPD, the Tucson Police Department and the City Prosecutors and Public Defenders office to host COPS, COURTS, and COFFEE- an outreach for the Deaf community. In our work with the Deaf community, we soon learned that the first responders were setting the tone- often there are not interpreters available, often the victim is Deaf and the perpetrator is not, and thus he tends to control the direction of the conversations. In order for Deaf victims to feel safe enough to involve

the system, they need to feel safe calling the police- otherwise the perpetrators are never arrested and the case never makes it into the court system, where we now have trained court staff and victim advocates available.

The Tucson Police Department's Special Victims section was completely responsive after hearing the Court's proposal and they worked hard to plan the event with the Court. The police department and the court provided doughnuts and coffee for the event, and Emerge! helped to provide a video compilation to be played that evening. The videos consisted of DV education videos from the DeafHope organization, scenarios of encounters between Deaf citizens and police officers, and videos made by the partners about the services available to Deaf victims in our community.

We had more than 100 people come by! The police officers were very popular, especially two of the officers who spoke a little ASL. Our public defenders and prosecutors answered questions and spoke to public members also, as did the Judge and our protective order staff person, COPD and Emerge!



It was a great example of Tucson city departments working together to connect with our community and increase access to the Justice system for under-served individuals.

Tucson City Court was awarded an OVW Mentor Court grant in 2017 for demonstrated leadership in the field of domestic violence. To learn more about Tucson's work, read their fact sheet here.

THE CENTER FOR COURT INNOVATION

A non-profit organization, the Center for Court Innovation helps the justice system aid victims, reduce crime, and improve public trust in justice. With support from the Office on Violence Against Women, the Center provides a variety of services free of charge, including on-site support, site visits to communities, peer-to-peer contacts, and planning materials. The Center also develops publications and internet materials on issues surrounding domestic violence.

This newsletter is sponsored by Award No. 2015-TA-AX-K023 awarded by the Office on Violence Against Women. The opinions, findings, or conclusions in this document are those of the authors and do not necessarily reflect the views of the Department of Justice.

For more information or assistance, contact **Liberty Aldrich** at aldrichl@courtinnovation.org.

Published by:
Center for Court Innovation
 520 Eighth Avenue, 18th Floor
 New York, New York 10018.
www.courtinnovation.org



Members of the Tucson Police Department, City Prosecutors, and Public Defenders Office, Emerge! and COPD participate in COPS, COURTS, and COFFEE on February 2, 2018.